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10 Study

18 May 1983

MEMORANDUM FOR:

Director, Intelligence Community Staff

VIA:

Chairman, CIPC

FROM:

Vice Chairman, CIPC

SUBJECT:

Leaks

1. Because of my long association at NSA with the general subject of "leaks", I asked Jim if I could accompany him to your staff meeting on Tuesday, P.M.

2. Having spend a fair amount of time worrying that problem, I thought I would also respond to your request for comments.

3. There are several different categories of leaks, each of which lends itself to a different sort of solution. The fact that many of those concerned with leaks often tend to treat them as being all generically alike tends to complicate the approach to a solution, making it very difficult to achieve any agreement on the part of the different involved elements of government - with the result that nothing ultimately of value gets done.

4. Some of the major and quite different categories of leaks are:

- The politically motivated leak of essentially unclassified but possibly embarrassing data (a planned Presidential action for example).

- The unauthorized (or sometimes authorized) purposeful leak of classified data for political ends (e.g., to promote or kill a weapons system proposal or an administrative policy initiative).

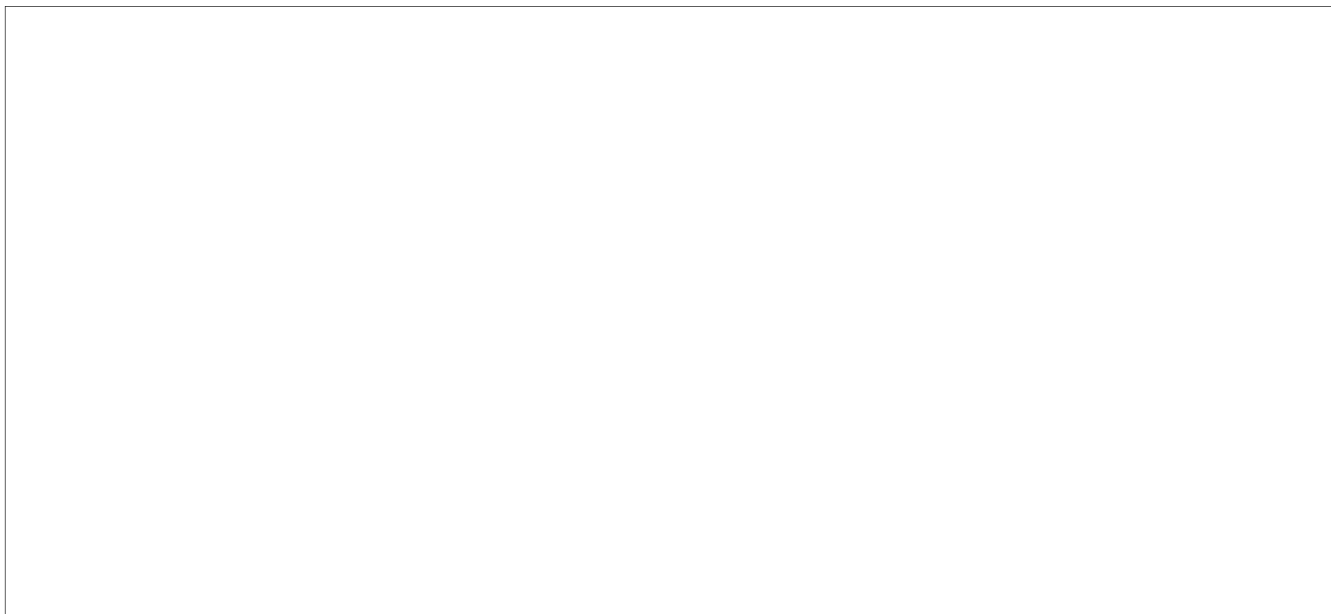
- The inadvertant leak of classified material by an individual who may not fully appreciate the sensitivity of the data and the potential damage to sources and methods that could result from disclosure

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6. My notion is that an incremental approach to the leak problem is the most likely to bring results in the short term and that a fairly modest-but meaningful-step forward is better than trying to solve the whole problem at once and making no progress at all.

7. In this regard, I would suggest clearly differentiating among the different categories of leaks - as in para. 4 above - and then concentrating first on the category I have labeled inadvertant leaks. Such an approach could have many different aspects but it should include as a minimum:

- Full Presidential/NSC backing and active support, beginning with the Cabinet.

- A special briefing program personally delivered to all senior government personnel who have been granted access to sensitive intelligence information, with emphasis on the damage leaks can cause.

- A broad general indoctrination for all recipients of sensitive intelligence with the requirement that each individual sign a document acknowledging that he has been rebriefed with special emphasis on the damage that can be caused by inadvertent leaks.

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- A formalized and tightly managed program of controlled executive disclosures where officials who find it necessary to make use of classified information in public releases  are required to seek assistance in sanitization of the data from the originator of the intelligence.

8. The lawyers' solution to leaks usually gravitates toward new legislation - which in practice normally finds few supporters in Congress. Even those Congressman who are supportive in private find it difficult to proceed with that support into the public arena. Similarly, security folks often clamor for more intense application of polygraphs, basically a very sound idea but one very difficult to implement in practice (witness the inept handling of such an initiative within Defense a few months ago). Though there

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is probably room for both of these approaches - new legislation and increased use of security measures - in a comprehensive attack on leaks, they are more long term in nature and must be handled very delicately or they will end up being more of an embarrassment than an aid. [redacted]

9. In any event, I believe that beginning quickly with a hard-hitting education program - begun by the President and aimed at inadvertant leakers represents a low risk (in terms of public relations problems), relatively low cost, high pay-off initiative that could be begun and pursued quickly if the go-ahead were given. It could even be tailored to cover the retired intelligence officer population as well if that continues to be perceived as a real problem. [redacted]

10. I have discussed elements of this proposal with an NSC staffer and believe that it is the kind of approach that would be appealing to Judge Clark and others in the White House. [redacted]

I think [redacted] analysis is quite sound. I am especially taken by the idea of re-briefing retirees. Rather than an exit debrief, perhaps we ought to rethink the problem and periodically brief them & remind them of the need to protect classified information. Moreover, I think a distinction needs to be made between administrative and legal remedies. We are all falling into the trap of thinking leak → investigate → prosecute. I submit the DCI can fire someone on a much less well developed basis than what he would need to prosecute, and should announce himself willing to do so, even to the point of admitting that if he errs, he will reinstate, leaks must stop.

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